

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TruePosition, Inc.,)	
)	
Plaintiff/)	
Counterclaim-Defendant,)	
)	Civil Action No. 05-00747(SLR)
v.)	
)	
Andrew Corporation,)	
)	
Defendant/)	
Counterclaim-Plaintiff.)	
_____)	

TRUEPOSITION'S PROPOSED VERDICT FORM

We, the jury, unanimously find as follows:

I. INFRINGEMENT

1. Has TruePosition proven by a preponderance of the evidence that Andrew has literally infringed any asserted claim of U.S. Patent No. 5,327,144 (144 Patent)?

"Yes" is a finding for TruePosition. "No" is a finding for Andrew.

(A) Claim 1 Yes_____ No_____

(B) Claim 22 Yes_____ No_____

(C) Claim 31 Yes_____ No_____

2. Has TruePosition proven by a preponderance of the evidence that Andrew infringed any asserted claim of the 144 Patent under the doctrine of equivalents?

"Yes" is a finding for TruePosition. "No" is a finding for Andrew.

(A) Claim 1 Yes_____ No_____

(B) Claim 22 Yes_____ No_____

(C) Claim 31 Yes_____ No_____

3. If you found that Andrew infringed any claim of the 144 Patent, has TruePosition proven, by clear and convincing evidence, that Andrew's infringement was willful?

"Yes" is a finding for TruePosition. "No" is a finding for Andrew.

Yes_____ No_____

II. DAMAGES

Answer the following question only if you find any of the 144 patent claims infringed.

4. What is the total amount of damages that should be awarded to TruePosition?

\$ _____

III. DEFENSES

Answer the following questions only if you find any of the 144 patent claims infringed.

FRAUD

5. Has Andrew proven by a preponderance of the evidence that TruePosition defrauded Andrew, or in other words, has Andrew proven each and every one of the following elements by a preponderance of the evidence:

- a. TruePosition had a legal duty to declare its 144 Patent as a patent essential to an ETSI standard, or in other words, that the 144 Patent is, in fact, essential to an ETSI standard.

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

- b. TruePosition knew or should have known that it should have declared its 144 Patent as a patent essential to an ETSI standard (or acted with a reckless disregard of the truth).

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

- c. TruePosition intended to induce Andrew into acting or refraining from acting by not declaring its 144 Patent as essential to an ETSI standard.

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

- d. Andrew acted or refrained from acting in reliance on the fact that TruePosition did not declare its 144 Patent as essential to an ETSI standard.

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

- e. Andrew's reliance was justifiable.

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

- f. Andrew suffered damage as a result of its reliance.

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

PROMISSORY ESTOPPEL

6. Has Andrew proven by clear and convincing evidence that TruePosition is promissorily estopped from asserting the 144 Patent against Andrew, or in other words, has Andrew proven each and every one of the following elements of promissory estoppel by clear and convincing evidence?

- a. TruePosition made a promise to Andrew;

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes _____ No _____

- b. TruePosition intended to induce Andrew's action or inaction based on the promise;

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes_____ No_____

- c. Andrew reasonably relied on the promise;

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes_____ No_____

- d. Andrew was injured by its reliance.

"Yes" is a finding for Andrew. "No" is a finding for TruePosition.

Yes_____ No_____

We, the jurors, by signing below, indicate our unanimous verdict.

Jury Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror